

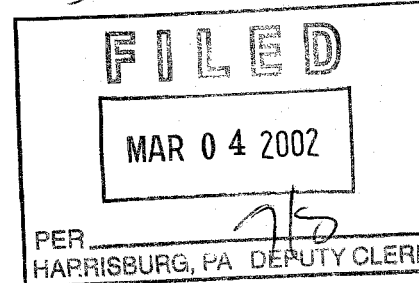
IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

John Cleary
Plaintiff

v.

Kenneth Kyler, et al.
Defendants

CIVIL ACTION NO. 00-2125
(Judge Caldwell)



PLAINTIFF'S MOTION FOR APPOINTMENT OF COUNSEL

And now comes the Plaintiff John Cleary, pursuant to 28 U.S.C. § 1915 and local Rule 83.34.1, Rules of COURT, Middle District of Pennsylvania, to respectfully request that the court appoint a volunteer attorney to assist Plaintiff in the prosecution of his civil rights case. In support of his motion, Plaintiff states the following:

1. Plaintiff is indigent, and unable to afford counsel.
2. The facts and legal claims in Plaintiff's lawsuit are arguably meritorious.
3. Plaintiff is incarcerated, making it difficult to investigate the facts surrounding his claims. Factual investigation is

necessary to determine several key issues such as Difference between mail

v. security issues, conflicting testimony by defendant Inschweiler, S.M.D. mail policy is
different and more complex than standard mail policy, the complexity of the Department of Corrections Supervisory structure. Assistance of counsel is greatly needed to navigate the complex discovery process.

4. Plaintiff's incarceration also means that plaintiff has only limited access to the law library, telephone, copy machine and typewriter. Plaintiff does not have access to a computer, nor would he know how to operate one.

5. The factual and legal issues involved in the case are complex. The law surrounding access to courts and religious rights claims is complex and difficult for a lay-person to understand. In addition, successful prosecution of plaintiff's case requires an understanding of Section 1983 jurisprudence, qualified and sovereign immunity and other sophisticated jurisdictional issues.

6. Plaintiff has limited knowledge of the law. He has no prior litigation experience, and no prior work experience in the law. His educational level is special education classes until age 15, no grade equivalent given.

WHEREFORE, Plaintiff requests that the court appoint a volunteer attorney to assist Plaintiff in the prosecution of his civil rights case.

Respectfully Submitted,

BY:



John Cleary DF5779

P.O. Box 99901

Pittsburgh, Pa 15233

DATE: February 27, 2002

ORIGINAL

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

John Cleary

Plaintiff

v.

Kenneth Kyler, et. al

Defendants

RECEIVED
HARRISBURG, PA

MAR 04 2002

MARY E. D'ANDREA
Per

CIVIL ACTION NO. 00-2125
(Judge Caldwell)

Enclosed, please find the plaintiff's motion
for appointment of counsel, and the supporting memoranda
of law.

The plaintiff cannot afford to supply the
defense with a copy of this motion or the supporting
brief, and requests that the clerk of court make a
copy for the defense's attorney. The plaintiff only has
.12¢ on his account at the present, and no income at
the moment, and is on a waiting list for employment at
the prison he is now incarcerated. Thank you.

Sincerely,



DATED: February 27, 2002

John Cleary DF5779
P.O. Box 99901
Harrisburg, PA 17109-0901